

SOLID WASTE REGULATIONS

N.J.A.C. 7:26

Subchapter 4. Fees for Solid Waste

7:26-4.1 General provisions

(a) The fee schedule set forth in this subchapter shall apply to all sanitary landfill operations, thermal destruction facilities, transfer stations, processing facilities, resource recovery facilities, municipal solid waste composting, co-composting or any other methods of transportation or disposal of solid waste, excluding hazardous waste, requiring licensing and registration with the Department.

(b) Persons transporting only their own household refuse in vehicles bearing passenger license plates or persons transporting their own solid waste in vehicles registered with a motor vehicles agency as having a maximum gross weight of 9,000 pounds for a single vehicle or 16,000 pounds combined maximum gross vehicle weight for a vehicle pulling a trailer, and claiming said exemption under N.J.A.C. 7:26-3.3, need not pay any solid waste fee to the Department. Any person transporting solid waste who does not meet the criteria for exemption under this subsection shall be subject to the fee requirements applicable to transporters of solid waste set forth at N.J.A.C. 7:26-4.4.

(c) Any fee under this subchapter that is subject to N.J.A.C. 7:1L shall be payable in installments in accordance with N.J.A.C. 7:1L.

7:26-4.2 Payment of fees

(a) Fees for activities related to solid waste transporters and facilities shall be paid by certified check or money order and made payable to "Treasurer, State of New Jersey" at the following address:

New Jersey Department of Environmental Protection
Division of Solid and Hazardous Waste
PO Box 414
Trenton, NJ 08625-0414

(b) Engineering design fees and transporter registrations may be paid in person at the address set forth in (a) above.

7:26-4.3 Fee schedule for solid waste facilities

(a) The fee schedule for solid waste annual facility registration is as follows:

1. Each solid waste facility permittee shall pay an annual facility registration update fee of \$1,010. The annual facility registration update fee is due at the time the annual registration update is submitted, but in no event later than May 1 of each calendar year.

Type of Facility	Monitoring Fees
Sanitary Landfill—operating at 31,200 tons per year (tpy) or more	\$22,988
Sanitary Landfill—operating at less than 31,200 tpy	\$6,386
Transfer Stations and Materials Recovery Facilities—operating at 31,200 tpy or more	\$16,946
Transfer Stations and Materials Recovery Facilities—operating at less than 31,200 tpy	\$5,894
Thermal Destruction Facilities—operating at 9.6 tons per day or more	\$21,072
Thermal Destruction Facilities—operating at less than 9.6 tons per day	\$1,834
Intermodal Container Facilities	\$260
Solid Waste Composting and Co-Composting Facilities	\$3,144

(c) The following tables set forth the classifications of solid waste facilities:

1. Thermal destruction facilities:

Class A: small scale thermal destruction facility (as such term is defined at N.J.A.C. 7:26-1.4)

Class B: design capacity greater than 9.6 tons per day

2. Sanitary landfills:

Class A: Class I sanitary landfill (as such term is defined at N.J.A.C. 7:26-1.4)

Class B: Class II sanitary landfill (as such term is defined at N.J.A.C. 7:26-1.4)

Class C: Class III sanitary landfill (as such term is defined at N.J.A.C. 7:26-1.4)

3. Transfer stations and materials recovery facilities:

Class A: design capacity of less than 100 tons per day

Class B: design capacity of at least 100 tons per day

4. Compost facilities:

Class A: vegetative food waste and paper brought in separated form

Class B: separated compostable waste-no inorganic material (e.g. glass, metal, plastic, etc.)

Class C: mixed waste requiring manual and/or mechanical separation processes before composting

5. Sanitary landfill closure plan submissions:

Closure Plan

	Class	
	A	B
a. Completeness determination	6,734	13,467
b. Engineering design report review	29,460	106,054
c. Permit renewal	21,884	58,077
d. Major modification to permit	9,595	32,826
e. Minor modification to permit	4,040	7,575
f. Transfer of ownership of permit	5,724	9,932
g. Minor technical review	1,010	2,020

2. Sanitary Landfill Facilities

	Class		
	A	B	C
a. Completeness determination	10,100	7,575	3,788
b. Engineering design report review	106,054	73,228	53,027
c. Permit renewal	63,128	42,927	25,251
d. Major modification to permit	20,201	11,615	9,090
e. Minor modification to permit	11,363	7,575	5,050
f. Transfer of ownership of permit	12,626	9,090	7,828
g. Minor technical review	1,515	1,010	505

3. Transfer Stations and Materials Recovery Facilities

	Class	
	A	B
a. Completeness determination	5,050	7,575
b. Engineering design report review	23,736	27,776
c. Permit renewal	20,706	25,251
d. Major modification to permit	11,615	20,201
e. Minor modification to permit	3,535	5,050
f. Transfer of ownership of permit	5,555	5,555

b. Engineering design report review	12,626	22,726	50,502
c. Permit renewal	11,110	17,676	27,776
d. Major modification to permit	4,040	11,615	17,676
e. Minor modification to permit	1,515	3,535	7,575
f. Minor technical reviews	1,010	1,515	1,515
g. Transfer of ownership of permit	3,535	5,555	5,555

5. Closure Plan

	Class		
	A	B	C
a. Completeness determination	1,178	1,768	2,946
b. Engineering design report review	8,417	12,626	16,834
c. Major modification to approval	2,525	3,788	5,050
d. Minor modification to approval	842	1,683	2,525
e. Transfer of ownership of approval	1,683	2,525	3,788
f. Minor technical review	421	842	1,263

6. Annual Topographic Map Submissions

a. Engineering design report review	2,805
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(e) For submissions concerning disruption, methane venting systems, on-site disposal, cover material, RD&D reviews, hearing officer's report, construction facility inspection, contaminated soil reviews, or the solid waste facility performance partnership agreement, the applicant/permittee shall request an initial review of the submission. As part of its initial review, the Department shall determine the fees for performing its services in connection with the submission. Such fees shall be equal to the number of hours estimated by the Department to be required for the performance of such services, multiplies by an hourly rate of \$84.17.

(f) The omission of any type of service from the fee schedules set forth in (a), (b), (d) and (e) above shall not be construed as a waiver of the Department's authority to

estimated by the Department to be required for the performance of such services, multiplied by an hourly rate of \$84.17. The Department will calculate the fee for performance of the Department's services as follows:

1. If the Department determines, in its discretion, that the activity is of a type listed in (a), (b), (d) or (e) above, the amount of the fee shall be equal to the amount listed in (a), (b), (d), or (e).

2. If the Department determines, in its discretion, that such activity is not of a type listed in (a), (b), (d) or (e) above, the fee shall be equal to the Department's estimate of the number of person-hours required to perform such activity, multiplied by the hourly rate of \$84.17.

(g) A determination of a fee made pursuant to (e) or (f) above shall expire on the date which is 90 days after the date such determination has been issued, unless the applicant or permittee has paid such fee to the Department in full before expiration. If the applicant or permittee desires to continue to pursue the submission for which the fee determination has expired, such applicant or permittee shall request a redetermination of the fee in writing, and the Department shall redetermine the fee in accordance with (e) or (f) above, as applicable.

(h) The Department may, in its discretion, refrain from commencing work on the activity which is the subject of a fee determined pursuant to (e) or (f) above until the Department has received full payment of the fee. If the Department has already commenced work, the Department may, in its discretion, suspend such work until it has received full payment of the fee.

(i) The following table sets forth fees (in dollars) for services in reviewing beneficial use applications and issuing certificates of authority to operate (CAO) a beneficial use project pursuant to N.J.A.C. 7:26-1.7(g). The Department may, in its discretion, refrain from commencing work or suspend work at any time until the applicant has paid the designated fee.

1. Beneficial Use Review

b. In-State (sampling results) \$642.00

c. Out-of-State \$183.00

2. For additional activities such as pre-application meetings and site visits or any other activity which the Department determines, in its discretion, is required to fully evaluate the applicant's submission, the Department shall determine the fee for performing the additional services. Such fees shall be equal to the number of hours estimated by the Department to be required for the performance of such services, multiplied by an hourly rate of \$91.70.

July 1 through June 1 of each odd numbered year, except that it will extend from July 1 through June 1 of every fifth year after 2001 for public entities. Fees shall be payable prior to May 1 of each registration period..

(c) All transporters shall pay a biennial fee of \$40.00 (\$20.00 for calendar year 2002) for each solid waste cab.

(d) All transporters shall pay a biennial fee of \$60.00 (\$30.00 for calendar year 2002) for each solid waste trailer.

(e) All transporters shall pay a biennial fee of \$60.00 (\$30.00 for calendar year 2002) except that public entities shall pay a registration period fee of \$22.00 (fee set as of March 1999) for each solid waste container.

(f) All transporters shall pay a biennial fee of \$100.00 (\$50.00 for calendar year 2002) for each solid waste single vehicle.

(g) All transporters shall pay a biennial fee of \$60.00 (\$30.00 for calendar year 2002) for the registration of container meeting the requirements at N.J.A.C. 7:26-3.5(f).

(h) The registration of a solid waste vehicle is non-transferable.

(i) Fees will be prorated as follows:

1. Solid waste vehicles registered after May 1 of the second year of the registration period shall be assessed half the fee listed above for said solid waste vehicle.

2. Public entities registering after May 1 of the second year shall be prorated year for year except that containers shall not be prorated.

(j) All transporters shall pay a fee of \$10.00 for the replacement of a lost, stolen, or plate changes of registration card.

7:26-4.5 County enforcement activity fees for solid waste control program

(a) General provisions are as follows:

1. Scope: Unless otherwise provided by rule or statute, the following shall constitute the rules of the Department of Environmental Protection concerning fees to be charged for enforcement activities undertaken by county health departments pursuant to the Solid Waste Management Act. N.J.S.A. 13:1E-1 et seq., and the County Environmental Health Standards of Administrative Procedure and Performance, N.J.A.C. 7:1H.

2. Construction: This section shall be liberally construed to permit the Department and its component divisions to effectuate the purposes of the above referenced laws.

3. Purpose: This section is promulgated for the following purposes:

i. To aid counties in the development and implementation of a solid waste control program; and

ii. To provide a basis for the Department to review county department fees for enforcement activities related to their solid waste control program based upon the

local health programs in any municipality which contracts therefor with the county board N.J.S.A. 26:3A2-21 et seq.)

"Owner or operator" means and includes, in addition to the usual meanings thereof, every owner of record of any interest in land whereon a sanitary landfill facility is located, and any person or corporation which owns a majority interest in any other corporation which owns a majority interest in any sanitary landfill facility.

"Program" means a solid waste control program prepared by the county department pursuant to this section and the procedures and standards authorized by the County Environmental Health Standards of Administrative Procedure and Performance, N.J.A.C. 7:1H, and which has been submitted to the Department for review.

(b) Enforcement activity fee schedule established: In accordance with N.J.S.A. 13:1E-9, there is hereby established a fee schedule which shall apply to all sanitary landfill facilities required to be registered with the Department and subject to a county department program.

1. Duties and powers of the county department are as follows:

i. Any county department may charge and collect from the owner or operator of any sanitary landfill fees established by ordinance or resolution adopted by the county governing body. Such fees shall be established in accordance with this section for the purpose of enforcing the rules and regulations adopted by the Department related to solid waste collection and disposal, and in conformance with all applicable County Environmental Health Standards of Administrative Procedure and Performance, N.J.A.C. 7:1H, adopted pursuant to the County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq.

ii. Within six months of the effective date of this section and by September 1 of each succeeding year as part of its annual work program, pursuant to the County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq., a county department shall submit to the Department a Solid Waste Control Program (Program). The Program shall be submitted to each municipality located in the county for review and comment prior to its submittal to the Department and shall contain monitoring and enforcement activities at least equivalent to those set forth in N.J.A.C. 7:1H-3.4(a) through (u) and shall also include the following:

- (1) Identification and number of operating facilities to be inspected;
- (2) Projection of the number of inspections to be conducted by facility name (minimum twice per month);
- (3) Purpose of inspections;
- (4) A description of the procedures for:
 - (A) Determining inspection frequency;
 - (B) Accounting for activities performed;

based upon particular local needs and abilities provided the Department is satisfied that those additional costs are both reasonable and necessary.

(1) Personnel: Identify type, number, and salary required, including benefits therefor;

(2) Local training: In addition to county department training costs, personnel performing solid waste inspections shall also be trained by the Department through the arrangement of joint inspections with departmental inspectors experienced in facility inspections. It shall be the responsibility of the county department to arrange such joint training inspections;

(3) Protective equipment;

(4) Vehicles and maintenance;

(5) Test equipment;

(6) Laboratory analysis;

(7) Office equipment and supplies;

(8) Secretarial, office and general administrative support; and

(9) Costs based on (b)1ii(1) through (5) above.

2. Fees for the Program are as follows:

i. After review by the Department of its Program, and pursuant to a resolution or ordinance adopted by the county governing body, any county department may charge and collect fees from the owner or operator of any sanitary landfill facility within its jurisdiction, as follows:

(1) At the maximum rate of \$0.01 per cubic yard of solid waste accepted for disposal at a facility;

(2) In the event that any solid waste is measured, upon acceptance for disposal, by other than cubic yards, the fee shall be assessed on the equivalents utilized pursuant to the Sanitary Landfill Closure and Contingency Fund Act, P.L. 1981, c.306, and the Recycling Act, P.L. 1981, c.278;

(3) Fees shall be assessed and collected by a county department each month in the manner provided for in (b)2 of this section;

(4) Except as otherwise provided for herein, the owner or operator of every sanitary landfill facility subject to a county department program shall submit to the appropriate county department, on or before the 20th of each month, a fee equal to \$0.01 per cubic yard of solid waste accepted for disposal during the preceding month, together with a completed copy of Department form No. SFA-001 which is submitted for that month to the Department in accordance with the escrow account reporting requirements pursuant to the Sanitary Landfill Facility Closure and Contingency Fund Act, P.L. 1981, c.306.

ii. Subject to the approval of the Department, a higher fee may be assessed in the

(a) The Department may adjust the fees for each activity provided in N.J.A.C. 7:26-4.3, 4.4 and 15.6, based upon the following formula:

Fee = (hours required) x (hourly rate) where "hours required" and "hourly rate" are as set forth in the Annual Solid Waste Fee Schedule Report provided in (b) below.

(b) Whenever the Department adjusts any fees for solid waste activities, the Department shall prepare a Solid Waste Fee Report. The report shall include the following:

1. The Department's actual number of hours to perform each type of activity and the estimate of the number of hours which will be required to perform each type of activity for which fees are assessed under N.J.A.C. 7:26-4.3, 4.4 and 15.6. In reporting the actual hours and formulating the estimate, the Department shall consider the following factors:

i. The Department's timekeeping records for a period of at least nine months, ending no more than six months before the completion of the report;

ii. The Department's timekeeping records from previous years, if the Department determines that it has not performed an activity a sufficient number of times within the period covered by the report to provide data sufficient to reliably determine the hours required to perform the activity;

iii. Any other factors relevant to the estimate, provided that the report explains any such other factors considered, and explains how such factors support the estimate;

iv. If the Department determines that the creation of additional classifications of facilities or activities would result in a substantially more equitable assessment of fees, the Department may establish such additional classifications. The Department's determination shall be in its reasonable discretion, based on its review of the data upon which the report is based. In the report, the Department shall set forth the hours required to perform an activity for such additional classes. The Department may also consolidate existing classifications of facilities or activities for which it determines that the same number of hours is required to perform an activity for more than one classification of facility or activity. This subparagraph (b)1 provides only for the creation of additional classifications (or consolidation of existing classifications) of types of facilities or activities for which fees are assessed under the Department's rules, and shall not be construed to provide for the assessment of fees for types of facilities or activities not already contained in the Department's rules;

v. With respect to fees assessed for an activity to be performed more than once in the period covered by the fee (such as an annual compliance monitoring fee assessed for several compliance monitoring inspections to be performed in a one-year period), the data upon which the report is based may show a decrease in the amount of time required to perform an activity, all or part of which decrease results from a lack of Department

2. A statement of the hourly rate for calculating fees. The hourly rate is the average cost of one hour of Department staff time, calculated according to the following formula:

$$\frac{(AS + FB + IC + OE + LS)}{BH}$$

where:

- i. AS equals the average salary of a full-time Department employee working in the Department's solid waste program, including costs of direct support and Division overhead positions;
 - ii. FB equals the fringe benefits of a full-time Department employee working in the Department's solid waste program, calculated as a percentage of the average salary, which percentage is set by the New Jersey Department of the Treasury, and is based upon costs associated with pensions, health benefits, workers' compensation, disability benefits, unused sick leave, and the employer's share of FICA;
 - iii. IC equals indirect costs attributable to a full-time Department employee, calculated at the rate negotiated annually between the Department and the United States Environmental Protection Agency, multiplied by the sum of AS and FB;
 - iv. OE equals operating expenses (including without limitation postage, telephone, travel, supplies and data system management) attributable to a full-time Department employee working in the Department's solid waste program;
 - v. LS equals the budgeted annual cost of legal services rendered by the Department of Law and Public Safety, Division of Law, in connection with the Department's solid waste activities, divided by the total number of billable Department employee positions which the Department projects will be funded by the revised fee schedule; and
 - vi. BH equals the average number of hours which each Department employee working in the Department's solid waste program spends annually performing activities for which fees are to be imposed under N.J.A.C. 7:26-4.3, 4.4 or 15.6.
- (c) Promptly after completing the report described in (b) above, the Department shall provide a copy of the report to each person required to have paid a fee under N.J.A.C. 7:26-4.3, 4.4 or 15.6 within the period covered by the report.
- (d) Promptly after making the adjustment of fees pursuant to the report described in (b) above, the Department shall publish in the New Jersey Register a notice of administrative change, pursuant to N.J.A.C. 1:30-2.7(c), setting forth adjusted fees and the operative date thereof. The Department shall also publish a notice of the adjusted fees and the operative date thereof in the DEPE Bulletin, and mail a copy of the notice to each owner or operator of a registered solid waste vehicle or facility; to the County Board of

(a) Each person authorized by the Department pursuant to N.J.A.C. 7:26-3.6 to operate an intermodal container facility shall:

1.b Pay an application fee of \$500.00. Such fee shall be submitted with the application required pursuant to N.J.A.C. 7:26-3.6(b);

2. Pay an annual fee of \$150.00 on January 1 of each year for the costs of reviewing and maintaining the quarterly reports submitted pursuant to N.J.A.C. 7:26-3.6(e);

3. Pay the compliance monitoring fee set forth at N.J.A.C. 7:26-4.3(b);

4. Pay the costs of any other inspections or activities conducted by the Department as related to the authorization, inspection, and revocation of authorization to operate an intermodal container facility. Such costs shall be in accordance with the fee schedule set forth at N.J.A.C. 7:26-4.3; and

5. Pay a fee of \$250.00 for an authorization modification issued pursuant to N.J.A.C. 7:26-3.6.(m), which shall be paid on issuance of the authorization modification.

7:26-4.8 Confidentiality claims

Any person submitting information to the Department and asserting a confidentiality claim in accordance with the procedures set forth in N.J.A.C. 7:26-17 or 7:26-16.4 shall pay a fee of \$350.